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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 GUY ADAM ROOK,

9   Petitioner,

10   v.

11 DONALD HOLBROOK,

12   Respondent.

CASE NO. C18-233 JCC-BAT

ORDER GRANTING MOTION TO STAY

13   Petitioner by counsel has filed a motion to stay the federal habeas proceedings pending a

14 decision by the Washington State Supreme Court in *State v. Moretti*, No.95263-9. Dkt. 36.

15 Petitioner contends the *Moretti* decision may provide grounds to file a personal restraint petition

16 (PRP) in the state court that challenges the constitutionality of his sentence. In specific he argues

17 that he is serving a life sentence under Washington's Three-Strikes Sentencing Provisions, and

18 that one of his strikes was committed when he was 20 years old. *Id*. at 2. He implies this strike is

19 constitutionally invalid and that the issue will be fleshed out in the *Moretti* decision.

20   Petitioner's motion was filed on March 28, 2019 and was noted for June 7, 2019.

21 Respondent has not responded to the motion. The Court accordingly ORDERS:

22   1.   Petitioner's motion to STAY the habeas proceedings herein is GRANTED.

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ORDER GRANTING MOTION TO STAY - 1

1   2.   Petitioner shall file with the court a report every 120 days that apprises the court

2 of the status of the state proceedings.

3   3.   Petitioner shall immediately file notice with the court once state proceedings are

4 concluded, or if petitioner decides not to file an PRP under *Moretti* so that the court can reset a

5 schedule to address the federal habeas petition.

6   4.   The Clerk shall renote Respondent's Response (Dkt. 24) for October 8, 2019. If

7 state proceedings are not concluded, the Clerk shall renote the response for 120 days following

8 October 8, 2019, and every 120 days thereafter until state proceedings are finalized.

9   DATED this 10th day of June, 2019.

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11   _____
                                   BRIAN A. TSUCHIDA

12   United States Magistrate Judge

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ORDER GRANTING MOTION TO STAY - 2